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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,612	04/09/2004	Kazunari Tonami	6453P042	1554

8791 7590 09/22/2008

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EXAMINER	
NEWMAN, MICHAEL A	
ART UNIT	PAPER NUMBER
2624	
MAIL DATE	DELIVERY MODE
09/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/821,612	TONAMI, KAZUNARI	
	Examiner	Art Unit	
	MICHAEL A. NEWMAN	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 July 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *4-8,10 and 11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4-8,10 and 11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 August 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 8th, 2008 has been entered.

Response to Amendment

2. The amendment filed on July 8th, 2008 has been entered.

3. In view of the amendment to the claims, the amendment to claims 4, 10 and 11, and the cancellation of claims 1 – 3 and 9 are acknowledged.

4. In view of the cancellation of claims 1 - 3 and 9, the 35 U.S.C. 102 rejection of claims 1, 3 and 9, and the 35 U.S.C. 103 rejection of claim 2, have been withdrawn.

5. In view of the amendment to claims 4, 10 and 11, the 35 U.S.C. 102 rejection of claims 4 and 6 – 11 has been withdrawn.

Response to Arguments

6. Applicant's arguments, see pages 5 and 6 of the Remarks, filed July 8th, 2008, with respect to the rejection(s) of claim(s) 4, 10 and 11 under 35 U.S.C. 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of a new interpretation of the prior art.

7. In pages 5 and 6 of the Remarks, regarding the 35 U.S.C. 102 rejection of the independent claims 4, 10 and 11, over Nishikawa (U.S. Patent No. 6,836,565), "Nishikawa"; Applicant's representative submits that the newly added limitations are not taught by Nishikawa. Specifically, that Nishikawa fails to teach that the second extraction method takes a longer time than the first extraction method. The Examiner *respectfully* disagrees. Nishikawa teaches preferably extracting an image gamma correction value from a tag; however, if the tag cannot be used, the gamma correction value can be determined from reduced image data; finally, if the reduced image data cannot be used, the gamma correction value is determined by analyzing the entire image data. Nishikawa goes on to say that, in this way, optimum processing mode is automatically selected (Column 7 lines 57 – 67). Although not explicitly stated, it is also well known that simply reading a value from a file tag or header is faster than performing processing to extract the value by analyzing either a reduced image or an entire image. This is clearly implied by the order in which the extraction alternatives are presented in the paragraph, and further supported in column 4 line 62 to column 5 line 3, where Nishikawa teaches that obtaining the gamma correction value from the reduced image data will be faster than obtaining it by analyzing the entire image data. The Examiner therefore *respectfully* insists that Nishikawa does teach or suggest first and second extraction methods, wherein the second extraction method takes a longer time than the first extraction method.

8. In the remainder of the Remarks, Applicant's Representative submits that the additional references applied to claim 5, in combination with Nishikawa, under 35 U.S.C. 103 do not teach the aforementioned limitations of claim 4. However, as discussed above regarding claim 4, Nishikawa does teach the limitations such that the additional references do not need to also teach them under 35 U.S.C. 103.

In view of this reasonable interpretation of the prior art and the claims, the Examiner *respectfully* insists that the rejections set forth below are proper.

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 4, 6 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa (U.S. Patent No. 6,836,565). Hereinafter referred to as Nishikawa.

a. Regarding claims 4 and 10, Nishikawa teaches an image processing apparatus comprising: a first information extractor to extract from a tag region of an image file, **(Fig. 11 – "Gamma Correction Value Tag")** information represented as a value related to image processing of image data of the image file according to a first extraction method **(Col. 7 lines 57 – 60)**; a second information extractor **(Fig. 2 – "Reduced Image Data")** to extract the information represented as the value located within the image data of the image file according to a second extraction method different from the first extraction method

(Col. 5 lines 63 – 67) [Note that the reduced image data is used to extract a gamma correction value], only when the information cannot be extracted by the first information extractor **(Col. 7 lines 57 – 63)**; and an image processing unit to perform the image processing based on the information extracted by one of the first information extractor and the second information extractor **(Fig. 2 or 11 element 24)**. However, Nishikawa **does not explicitly state** that the second extraction method takes a longer time than the first extraction method. Official Notice is taken that it is extremely well known in the art that simply reading a value from a file tag is faster than extracting or calculating the value by performing analysis on an image. Nishikawa actually teaches that obtaining a gamma correction value from the reduced image data will be faster than obtaining it by analyzing the entire image **(Col. 4 line 62 – Col. 5 line 3)**. Therefore, by teaching that extraction from the reduced image or the entire image should be done only if the gamma correction tag cannot be used **(Col. 7 lines 57 – 67)**, Nishikawa implicitly teaches that reading a tag is faster than analyzing either a reduced image or an entire image, as is known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was done to use a secondary information extraction method involving a longer processing delay than a primary method, such as Nishikawa's analysis of a reduced or entire image, only when the primary information extraction method, such as Nishikawa's reading of the gamma correction tag,

cannot be used; and thus minimize the processing delay while still reliably extracting the necessary information.

b. Regarding claim 6, Nishikawa teaches the image processing apparatus according to claim 4, wherein the first information extractor is operable to extract the information from a tag that has been added to the image data **(Col. 7 lines 57 – 58)**, and the second information extractor is operable to extract the information from a specific pattern that has been added to the image data **(Col. 4 lines 1 – 10) [Note that reduced image can be an outline, thumbnail, etc which are pixel patterns specific to the image]**.

c. Regarding claims 7 and 8, Nishikawa teaches the image processing apparatus according to claim 4, further comprising a third information extractor to extract image characteristics from the image data when the information cannot be extracted by the first information extractor and the second information extractor **(Col. 7 lines 63 – 65) [Note that the entire image is analyzed]**, wherein the image processing unit is operable to perform the image processing based on the image characteristics extracted **(Fig. 2 or 11 element 24)**.

d. Regarding claim 11, Nishikawa teaches an image processing system comprising an image input apparatus **(Fig. 1 element 10)** and an image output apparatus **(Fig. 1 element 15)**, wherein the image input apparatus includes: a first information addition unit to add **(Fig. 11 element 28)**, to image data, information related to image processing of the image data according to a first addition method as first information **(Col. 6 lines 27 – 36)**; and a second

information addition unit **(Fig. 6 element 61)** to add the information to the image data according to a second addition method different from the first information addition method as second information **(Col. 4 lines 17 – 19 and lines 26 – 30 – See also Col. 7 lines 57 – 63) [Note that the same gamma correction value above is included]**, wherein at least one of the first and the second information added is not lost even when an image processing is performed with respect to the image data **(Col. 4 lines 55 – 61) [Note that the information can be obtained even if the format is changed]**. **[Note that although the first and second embodiments have been referred to, it is the third embodiment, which combines the two but does not repeat the specifications of each, that is most pertinent. See Col. 7 lines 58 – 67.]**, and the image output apparatus includes: a first information extractor to extract from a tag region of an image file, **(Fig. 11 – "Gamma Correction Value Tag")** information represented as a value related to image processing of image data of the image file according to a first extraction method **(Col. 7 lines 57 – 60)**; a second information extractor **(Fig. 2 – "Reduced Image Data")** to extract the information represented as the value located within the image data of the image file according to a second extraction method different from the first extraction method **(Col. 5 lines 63 – 67) [Note that the reduced image data is used to extract a gamma correction value]**, only when the information cannot be extracted by the first information extractor **(Col. 7 lines 57 – 63)**; and an image processing unit to perform the image processing based on the information extracted by one of the first

information extractor and the second information extractor **(Fig. 2 or 11 element 24)**. However, Nishikawa **does not explicitly state** that the second extraction method takes a longer time than the first extraction method. Official Notice is taken that it is extremely well known in the art that simply reading a value from a file tag is faster than extracting or calculating the value by performing analysis on an image. Nishikawa actually teaches that obtaining a gamma correction value from the reduced image data will be faster than obtaining it by analyzing the entire image **(Col. 4 line 62 – Col. 5 line 3)**. Therefore, by teaching that extraction from the reduced image or the entire image should be done only if the gamma correction tag cannot be used **(Col. 7 lines 57 – 67)**, Nishikawa implicitly teaches that reading a tag is faster than analyzing either a reduced image or an entire image, as is known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was done to use a secondary information extraction method involving a longer processing delay than a primary method, such as Nishikawa's analysis of a reduced or entire image, only when the primary information extraction method, such as Nishikawa's reading of the gamma correction tag, cannot be used; and thus minimize the processing delay while still reliably extracting the necessary information.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa (U.S. Patent No. 6,836,565) in view of Rhoads (U.S. Pg Pub 2003/0048922)

and Anglin (U.S. Pg Pub 2003/0032033). Hereinafter referred to as Nishikawa, Rhoads and Anglin respectively.

a. Regarding claim 5, Nishikawa teaches all the limitations of the independent claim 4, as set forth in the 103 rejection of claim 4 above. Nishikawa also teaches that the first information addition and extraction units add and extract the information to the image data as a tag **(Nishikawa Col. 6 lines 46 – 51)**. However, although Nishikawa also suggests adding the correction parameters to the inside of the image to be corrected **(Nishikawa Col. 8 lines 32 – 34)**, **Nishikawa fails to teach** that the second information addition/extraction unit embeds/extracts the information in the image data as/from an electronic watermark. **Pertaining to the same field of endeavor, Rhoads teaches encoding data relating to exposure information in an image using watermarks (Rhoads – abstract lines 1 and 2). More importantly, Rhoads teaches the concept of "header verification", in which data contained in the header is repeated in a watermarked pattern embedded within the image (Rhoads PP 0322). Anglin, which incorporates Rhoads by reference, teaches that by including redundant representation of information in both header and content watermark, corrupted or lost header data can be retrieved from the watermark (Anglin PP 0140 - 0141). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to embed Nishikawa's gamma correction value (or the reduced image data used to derive it), currently stored only in the image**

header, in the image itself as a watermark. By using a robust watermark, the correction information can be successfully retrieved even when abusers or other processing alter the information content of the less robust header (Rhoads PP 00322).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL A. NEWMAN whose telephone number is (571)270-3016. The examiner can normally be reached on Mon - Thurs from 9:30am to 6:30pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir A. Ahmed can be reached on (571) 272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.A.N.

/Samir A. Ahmed/
Supervisory Patent Examiner, Art Unit 2624